

# Kentucky Gazette.

"True to his charge—he comes, the Herald of a noisy world; News from all nations lumbering at his back."

NEW SERIES—NO. 4. VOL. V.]

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[VOL. XXXIII.]

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BY JOHN NORVELL.

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## List of Letters

REMAINING in the Post-Office at Lexington, Ky. which, if not taken out within three months, will be sent to the General Post-Office as dead letters.

Ashon & Beach  
Atchison Hamilton  
Auriol A.  
Aldridge John P.  
Anderson Wm. M.  
Adams Wm.  
Allen Thomas M.  
Allison Jonathan  
Armstrong David  
Anderson Margaret  
Ayres Benj.  
Allen Simon B.  
Anderson E. & J.  
Allen John M.  
Allen Wm. R.  
Annet Burrows  
Allen & Grant  
Baldwin Robert  
Baker Allen, 2  
Bate James S.  
Blacklock Gray.  
Buckford Elizabeth  
Breckinridge Wm.  
Barker Danl.  
Bentley William  
Burrell Walter  
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Berryman Thomas, 2  
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Brooker John D.  
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Curry William  
Crockett Robert  
Clark James S.  
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Davis James  
Drake Elijah  
Davis John  
Dwight G. L.  
Dillon John D. 2  
Dickinson Elizabeth  
Darnaby Edward  
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Davenport Wm. 3  
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Dodd Thomas  
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Donnelly Patrick  
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Hogden John  
Hendon Nathaniel  
Hawkins John M.  
Haten Wm.  
Hawkins Winney  
Haskin Benjamin  
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Harbaugh  
Howe Abraham  
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Hurst David  
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Mason Peter  
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Madison Martha  
Medley Jacob  
Murdoch Elizabeth  
Macey A.  
Marshall J. J.  
Miteham James  
M'Lane Michael  
M'Pheters J. A.  
M'Daniel George  
M'Cuddy Capt.  
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Nelson Robert L.  
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Nelson Robert  
Nash Wm. N.  
Olive James K.  
Owings Joshua  
Overton Nelly  
O'Fallen John  
Oley James  
Payne E. C.  
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Pearson E. C.  
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Redman John C.  
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Shannon Arthur  
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Strat David  
Steel John  
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Simmons Solomon  
Singer Joseph  
Smiley James  
Schroeder Lewis  
Scott Eliza T.  
Stedman Eliza D.  
Stearns John  
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Sinclair John  
Stone Abraham  
Stephens A.  
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Savage & Prentiss, 2  
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Turnbull James, 2  
Trotter G.  
Thornton James  
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Todd John  
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Vance David  
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Wagley Maria  
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Wartlaw James  
White James  
White Wm. C. 3  
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Wheeler Amos, 3  
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Wallace Mary A.  
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Webb Winney  
White James L.  
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Weeks John  
Walters Eliza  
Wharton Wm. G.  
Worsley & Smith  
Whitmore Wm.  
Wolgamott Andrew  
Wiley Alex. 2  
Warren William  
Young John  
Young William  
Young Leavie  
Young Leonard  
JOHN FOWLER, P. M.  
Lexington, Jan. 1, 1819—[Jan. 3-34]

**United States of America,**  
Seventh Circuit Court, 1st.  
Kentucky District.  
November Term, 1818.  
Alexander Cranston & Co.—compts.  
against  
John P. Schatzell, &c.—defts.  
**IN CHANCERY.**  
JOHN H. HANNA, Clerk of the Seventh Circuit Court of the United States in and for the District of Kentucky, do hereby certify that the order of injunction awarded herein, restraining the defendant Schatzell from disposing of the effects of the Firm of J. P. Schatzell & Co. was at the present term rescinded, and that the said John P. Schatzell has been invested with power and authority to receive and collect all money due to the said firm of J. P. Schatzell & Co. and John P. Schatzell, and to settle and adjust all accounts which relate to the partnership.  
In testimony whereof, I have hereunto subscribed my name, and affixed the L. S. seal of said Court, this 22d day of December 1818, and of the Independence of the United States the 43d.  
JOHN H. HANNA.  
**NOTICE.**  
ALL persons indebted to J. P. Schatzell, or the late Firm of J. P. Schatzell & Co. are requested to make immediate payment to the subscriber, who alone is authorized to receive the same. Those to whom said firm stand indebted will also please to apply to him for settlement.  
J. P. SCHATZELL.  
Lexington, Jan. 1, 1819—4f  
The Editors of the Nashville Whig, Louisville Courier, Nashville Republican, New Orleans Gazette, Charleston S. C. City Gazette, New York Mercantile Advertiser, Relf's Philadelphia Gazette, & Augusta (Geo.) Chronicle, are requested to insert the above advertisement three times and forward their accounts to the Kentucky Gazette Office for payment.  
**To Whom it may Concern.**  
OBSERVING in the public papers a certificate signed by the Clerk of the Circuit Court of the United States for the Kentucky District, and fearing that the same may be construed into an admission by the subscribers of an authority in John P. Schatzell to dispose of the real and personal estate belonging to the late co-partnerships of John P. Schatzell, and John P. Schatzell & Co.  
Notice is hereby given,  
That the following is a certified copy of the rule, made in the cause alluded to in the said certificate:—  
**SEVENTH CIRCUIT COURT;**  
United States of America, District of Kentucky.  
November Term, 1818.  
Alexander Cranston, &c. Complainants,  
Against  
John P. Schatzell, &c. Defendants,  
IN CHANCERY.  
THE Court being now sufficiently advised of the contents of the defendant's motion to dismiss this suit for the want of jurisdiction, do order, that the same be overruled. It is ordered, that Abraham S. Barton, Robert Scott and John Tilford, Matthew T. Scott and John L. Martin, or any one or more of them, be, and they are hereby appointed, commissioners in this cause, whose duty it shall be, on or before the first day of the next term of this court, or as soon thereafter as practicable, to make out and return to this court, a statement and account of the business of the partnerships of J. P. Schatzell, and of J. P. Schatzell & Co. as relates to the different members of said partnerships, and the debts due from and to each partner, in order to enable this court to pronounce a final decree herein. It is further ordered, that J. P. Schatzell do, on or before the twenty-third day of this month, (December) deliver up on oath, to said commissioner or commissioners, the account books, deeds, vouchers, letters, and other papers, relating to said partnerships; and to that end, that said Schatzell answer on oath, such questions in writing, touching said books and papers, as said com'r. or commissioners may propound to him: and that said commissioner or commissioners permit the partners, their agents and attorneys, or either of them, to have access to said books and papers at all reasonable times; and further, that said commissioner or commissioners redeliver to said J. P. Schatzell, any evidences of debts or other vouchers, which said Schatzell may deem necessary for him in the performance of the powers and duties hereby vested in him, taking from him a receipt for such papers, or copies thereof. It is further ordered, that he, together with two or more securities, to be approved of by this court, enter into bond in the penalty of \$50,000, conditioned to be void if the said Schatzell shall well and truly account for and pay over according to the order and decrees of this court, all monies and effects which he may receive, belonging to either of said partnerships, and if he shall also abide by and perform the final decree of this court, to be rendered in this cause; upon the execution of which bond, and its approval by this court, it is ordered, that the order heretofore made in this cause, for the appointment of a receiver, and enjoining the said J. P. Schatzell from collecting the debts due the said partnerships of J. P. Schatzell, and of J. P. Schatzell & Co. be, and they are hereby discharged and annulled; and the said J. P. Schatzell is thereafter authorized and permitted to proceed to collect the debts due the said partnerships, and to pay any debt due from them, that may be liquidated by the judgment or decree of a court of justice of this state, or that may be assented to by the other partners. It is further ordered, that it shall be the duty of said Schatzell, faithfully and diligently to proceed with the collection of the debts due said partnerships and firms, and also out of the effects in his hands, to discharge the judgments and decrees obtained against him in the Fayette Circuit Court, by Levi Hart, Carroll, and Shultz, or otherwise prevent a sale of any of the real or personal estate of said firms, under execution, on either of said judgments or decrees. It is further ordered and decreed, that if said J. P. Schatzell shall receive any demand due to either of said firms, by receiving less than shall be due, without the assent of the other partners, he shall remain responsible therefor, and on any question relating thereto, no evidence shall be competent against the other partners, which would not have been competent if such demand still remained unsettled. And it is further ordered and decreed, that if any loss or injury shall accrue to either of said firms, by the neglect of the duties, or the mis-

management of the business, hereby entrusted to him, he is to be held responsible for the same, and his securities answerable therefor. It is further ordered and decreed, that said J. P. Schatzell shall, on or before the sixth day of each term of this court, file in court an account of all his receipts and payments, on account of said co-partnerships, subsequent to the entering of this order, to be verified by oath made in open court. And also, that on or before the same day, the said J. P. Schatzell deposit in the Farmer and Mechanics' Bank of Lexington, subject to the order of this court, the balance which by such account, or otherwise, shall then appear to be in his hands unpaid, and file a certificate thereof from the cashier. And it is further ordered and decreed, that said Schatzell shall, from time to time, as this court may direct, answer on oath before the court, or such commissioner as the court may appoint, such interrogatories as may be put to him concerning the partnership. And, by consent of the parties, it is ordered, that the Pew mentioned in the proceedings, shall be considered and held as the private property of J. P. Schatzell, he being charged with the price thereof. It is, by consent, further ordered, that said commissioner or commissioners proceed without delay to make public sale, by auction, of the slave, the shares in the White Lead Manufactory, and the personal property in Lexington, by giving ten days previous public notice, and an account until the 23d day of April next, on notes with good endorsers, made negotiable in the Farmers and Mechanics' Bank of Lexington. It is further ordered, by assent of the parties, that said commissioner or commissioners sell the house and lot in Lexington, and the outlot in said town, mentioned in the bill and answer in this cause, at public sale, giving at least six weeks previous public notice, and on like security, but on a credit of six, twelve and eighteen months; and that said notes be delivered to said J. P. Schatzell, to be held by him, subject to the order of this court. It is further ordered, that the defendant, Schatzell, surrender the possession of said property to the purchaser, and on request, join with the commissioner in executing a proper deed of conveyance therefor. It is further ordered, that the commissioner herein appointed, make report of the fair rent of the real estate, and hire of said slave, from the time when the partnership of J. P. Schatzell & Company was dissolved, until the time of sale. And the defendant, Woodward, by his attorney, moved the court, that upon giving bond and approved security, in the like penalty and like condition, as that which has been required of J. P. Schatzell, he, the said Woodward may have the administration of the effects of the partnership of J. P. Schatzell & Co. subject to the same injunctions and same orders of this court; which motion was overruled by the court.  
I, JOHN H. HANNA, Clerk of the Seventh Circuit Court of the United States of America, in and for the Kentucky District, do certify, that the foregoing order is truly transcribed from the records of said court.  
IN TESTIMONY WHEREOF, I have hereunto set my name, and caused the seal of said court to be affixed, this 19th day of December, 1818, in the 43d year of our Independence.  
JOHN H. HANNA.  
The defendant, John P. Schatzell, having in contempt of the said order of court, refused to deliver over the said books, papers and deeds, and the sale of the real and personal estate, as directed in the said order, being thereby delayed, the public are hereby cautioned not to purchase from the said Schatzell, the said slave, (a female named Chloe) nor the said shares in the White Lead Manufactory, nor any other personal property in Lexington, belonging to the said firm or either of them: nor the house and lot in Lexington, now occupied by said John P. Schatzell, and the outlot (containing ten acres, purchased by said Schatzell from John Fowler). But the said Schatzell having given the security required by the said rule of court—All persons indebted to the said firms of John P. Schatzell, and John P. Schatzell & Co. are hereby notified and requested to make payment to said John Peter Schatzell.  
ALEXANDER CRANSTON and ANDREW ALEXANDER, By their joint Attorney, JOHN KEATING.  
Lexington, January 4, 1819.  
I concur in so much of the above notice, as respects the debts due to the late firm of John P. Schatzell & Co. and also as respects the said slave, and my interest in a quantity of cotton bagging owned and held jointly by the late firm of John P. Schatzell & Co. and John Smith, of Lexington.  
JOHN WOODWARD.  
January 8, 1819.—St  
**NOTICE.**  
WHEREAS, notice was given in conformity with the order of court published by John Keating, attorney for Alexander Cranston and Andrew Alexander, to the commissioners therein named, that the Books, Vouchers, and other papers would be given up to them, and they declining to act agreeably to the intent and meaning of said order, of which a notification was given to said Keating on the 31st December, when an arrangement also was proposed, whereby he could have access to the books, &c. during the recess of the court, and requiring his written assent there to, should the same meet his approbation, but the said notification has not been responded to by the said Keating. Thus the business remained until the 4th inst. when I was informed, that the said John Keating had handed an advertisement for publication stating, that I had contemned the order of court in refusing to deliver up the books, &c. as therein stated, which statement is altogether incorrect, as can be verified by all the gentlemen named as commissioners in said order. Finding, therefore, that John Keating is not disposed to meet the views of the court, as required by said order, and is cautioning the public against purchasing the real and personal property therein mentioned, which property being only required to be sold by consent of parties, I therefore now make public, to satisfy the fears of said Keating, and those whom it may concern, that the House and Lot, shares in the White Lead company, the female slave, &c. will not be sold until the further assent of parties can be had, or a new rule made in the cause by the court.  
J. P. SCHATZELL.  
Lexington, Jan. 8, 1819.—St  
**To the Public.**  
I HAVE no disposition to trouble the public with the concerns of my employers,

Messrs. Alexander Cranston & Co. or J. P. Schatzell; but I will not permit to pass uncontradicted, any assertion of said Schatzell, which I believe not correct.  
It is not true, that the commissioners declined to act according to the intent and meaning of the order. Mr. Tilford, never for a moment refused to act, but repeatedly assured Mr. Woodward, myself, and J. P. Schatzell, that he was ready to act as any other gentleman would agree to co-operate with him. On the 21st of January, Mr. Tilford and Mr. Robert Scott having agreed to act jointly under the rule of court, called on J. P. Schatzell in person. The result of their visit will appear, by their note addressed to me.  
Messrs. Alexander Cranston & Co. and John Woodward.  
GENTLEMEN—The present notice is merely to advise you, that in obedience to an order of the United States court for the district of Kentucky, appointing us and other commissioners in the suit of Alexander Cranston & Co. against J. P. Schatzell, &c. We this day called on Mr. Schatzell, to deliver the books and papers, as therein stated, when he declined to deliver them to us. We therefore consider our commission as at an end.  
Respectfully, your obdt. servts.  
ROBERT SCOTT, } Comrs.  
JOHN TILFORD, }  
Lex. Jan. 2, 1819.  
Why the books and papers were not delivered, when demanded, J. P. Schatzell will perhaps be able to shew to the court when required. Whether he is anxious to allow access to the books and papers, or to meet the views of the court as expressed in the order published, all who read this notice will now be able to judge for themselves.  
JOHN KEATING.  
Lex. Jan. 6, 1819.  
**To the Public.**  
NOT having time unappropriated, I will barely call the attention of the public to the following statements, on the reading of which, they will give their own construction as it regards the "intent and meaning" of a rule of court.  
1st. A notification from two of the gentlemen who had consented to act, with an extension of the time for the delivery to be made from the 31st to the 30th of December, added by T. F. Talbot, the attorney of John Keating.  
2d. Mr. John L. Martin's statement, why he declined serving.  
3d. Mr. Matthew T. Scott's unwillingness to serve.  
4th. The cause why Mr. Barton would not act.  
5th. The statement of Mr. R. Scott, by which it appears that he had not been applied to within the time the order could take effect. It matters not to me whether Mr. Tilford declined to act unconditionally, or not; it was enough for me to believe that he had declined acting according to my impression of the "intent and meaning" of the rule of court, which fixed the time of delivery to the 30th December, and not beyond, and of which my notice of the 31st December apprized John Keating. Being equally loth to bring my concerns before the public, with Mr. J. Keating—I therefore close, by observing, that it is left with him to explain why Mr. Barton was objected to.  
J. P. Schatzell.  
January 7th, 1819.  
**U. States Circuit Court.**  
December 23d, 1818.  
ALEXANDER CRANSTON & ANDREW ALEXANDER, vs.  
JOHN P. SCHATZELL & JOHN WOODWARD.  
SIR—We have taken upon ourselves the duties required of us by the rule of court lately passed in this cause, and are ready to receive from you the account-books, deeds, vouchers, letters, and other papers, which by said rule you are required to deliver up to us. We will thank you to inform us when you propose to deliver them up.  
Jno. Tilford, } Comrs.  
J. L. Martin, }  
J. P. Schatzell, Esq.  
It was consented to by Mr. Talbot, as counsel for the complainants, that the time should be enlarged from December 23, to the 30th of December, instant.  
T. F. Talbot, Atty. for Compts.  
On the 29th of December last, I understood, that Mr. A. S. Barton had agreed to act under the rule of Court, lately made in the Circuit Court of the United States, for the Kentucky District, wherein Alexander Cranston & Andrew Alexander are complainants, and J. P. Schatzell and John Woodward are defendants.  
A few minutes after 4 o'clock, on the evening of that day, I called at Mr. Schatzell's room, and found Mr. Barton waiting. I had previously stipulated with Mr. T. F. Talbot, the attorney, that a letter of indemnity should be given Maj. Tilford and myself releasing us from any pecuniary responsibility. This letter was signed by one of the parties, and was directed to Major Tilford and myself. On handing it to Mr. Barton, he appeared satisfied, and at his instance I waited on Mr. Talbot, with a request, that he would direct it to Mr. Barton also—which Mr. Talbot refused to do, and I left the letter on his table, with a determination to have nothing more to do in the business. It is due to Mr. J. P. Schatzell, to state, that he was ready and apparently anxious to comply with the order of court.  
J. L. Martin.  
5th Jan. 1819.  
I was applied to by the parties in this suit, Cranston & Alexander against J. P. Schatzell, to serve as one of the commissioners appointed by the Federal Court at their term, but declined serving.  
M. T. Scott.  
Jan. 7, 1819.  
At the request of J. P. Schatzell, I do state that I had consented to serve as Commissioner, and did go to his house on the 29th Dec. as stated by Mr. John L. Martin, when I declined acting on account of the conduct observed by Mr. Talbot.  
Abm. S. Barton.  
7th Jan. 1819.  
I hereby certify that I was not applied to by either Messrs. Woodward or Talbot, to act as commissioner in the controversy of Cranston & Alexander, vs. J. P. Schatzell, &c. until, as I have understood, after Messrs M. T. Scott, A. S. Barton, and Jno. L. Martin, had declined acting—the application was made on the 30th or 31st Dec. last. On the first application I did not positively consent to act. Given under my hand this 7th Jan. 1819.  
Robt. Scott.

## Our Relations with Spain.

DOCUMENTS TRANSMITTED TO CONGRESS.

The Secretary of State of the United States, to the Minister Plenipotentiary of the United States to Spain, at Madrid.

DEPARTMENT OF STATE,

Washington, 28th November, 1818.

SIR—Your despatches, to No. 92, inclusive, with their enclosures, have been received at this department. Among these enclosures, are the several notes addressed to you by Mr. Pizarro, in relation to the transactions during the campaign of Gen. Jackson against the Seminole Indians and the banditti of Negroes combined with them, and particularly to his proceedings in Florida, without the boundaries of the United States.

In the fourth and last of those notes of Mr. Pizarro, he has given formal notice that the king, his master, has issued orders for the suspension of the negotiation between the United States and Spain, until satisfaction shall have been made by the American government to him for these proceedings of Gen. Jackson, which he considers as acts of unequivocal hostility against him, and as outrages upon his honor and dignity; the only acceptable atonement for which, is stated to consist in a disavowal of the acts of the American General, thus complained of; the infliction upon him of a suitable punishment for his supposed misconduct, and the restitution of the posts and territories taken by him from the Spanish authorities, with indemnity for all the property taken, and all damages and injuries, public or private, sustained in consequence of it.

Within a very few days after this notification, Mr. Pizarro must have received, with copies of the correspondence between Mr. Onís and this department, the determination which had been taken by the President, to restore the place of Pensacola, with the fort of Barrancas, to any person properly authorized, on the part of Spain, to receive them, and the fort of St. Marks to any Spanish force adequate to its protection against the Indians, by whom its forcible occupation had been threatened, for purposes of hostility against the United States. The officer commanding at the post, has been directed to consider 250 men as such adequate force; and, in case of their appearance, with proper authority, to deliver it up to their commander accordingly.

From the last mentioned correspondence, the Spanish government must likewise have been satisfied that the occupation of these places in Spanish Florida, by the commander of the American forces, was not by virtue of any order received by him from this government to that effect, nor with any view of wresting the province from the possession of Spain; nor in any spirit of hostility to the Spanish government; that it arose from incidents which occurred in the prosecution of the war against the Indians; from the imminent danger in which the fort of St. Marks was of being seized by the Indians themselves, and from the manifestations of hostility to the United States, by the commandant of St. Marks and the Governor of Pensacola, the proofs of which were made known to Gen. Jackson, and impelled him, from the necessities of self-defence, to the steps of which the Spanish government complains.

It might be sufficient to leave the vindication of these measures upon those grounds, and to furnish, in the enclosed copies of Gen. Jackson's letters, and the vouchers by which they are supported, the evidence of that hostile spirit on the part of the Spanish commanders, but for the terms in which Mr. Pizarro speaks of the execution of two British subjects, taken one at the fort of St. Marks, and the other at Suway, and the intimation that these transactions may lead to a change in the relations between the two nations, which is doubtless intended to be understood as a menace of a war.

It may be, therefore, proper to remind the government of his Catholic Majesty of the incidents in which this Seminole war originated, as well as of the circumstances connected with it, in the relations between Spain and her ally, whom she supposes to have been injured by the proceedings of General Jackson, and to give to the Spanish cabinet some precise information of the nature of the business, peculiarly interesting to Spain, in which these subjects of her allies, in whose favor she takes this interest, were engaged, when their projects of every kind were terminated, in consequence of their falling into the hands of General Jackson.

In the month of August, 1814, while a war existed between the United States and Great Britain, to which Spain had formerly declared herself neutral, a British force, not in the fresh pursuit of a defeated and flying enemy—not overstepping an imaginary and equivocal boundary between their own territories and those belonging, in some sort, as much to their enemy as to Spain, but approaching by sea, and by a broad and open invasion of the Spanish province, at a thousand miles, or an ocean's distance from any British territory, landed in Florida, took possession of Pensacola and the fort of Barrancas, and invited, by public proclamations, all the runaway Negroes—all the savage Indians—all the pirates, and all the traitors to their country, whom they knew or imagined to exist within reach of their summons, to join their standard, and wage an exterminating war against the portion of the United States immediately bordering upon this neutral, and thus violated territory of Spain. The land commandant of this British force, was a certain col.

Nicholls, who, driven from Pensacola by the approach of General Jackson, actually left, to be blown up, the Spanish

fort of Barrancas, when he found it could not afford him protection, and, evacuating that part of the province, landed at another, established himself on the Apalachicola river, and there erected a Fort, from which to rally forth with his motley tribe of black, white, and red combatants, against the defenceless borders of the United States, in that vicinity. A part of this force consisted of a corps of colonial marines, levied in the British colonies, in which George Woodbine was a captain, and Robert Christie Ambrister was a lieutenant.

As between the United States and Great Britain, we should be willing to bury this transaction in the same grave of oblivion with other transactions of that war, had the hostilities of Col. Nicholls terminated with the war. But he did not consider the peace which ensued between the United States and Great Britain, as having put an end either to his military occupations or to his negotiations with the Indians, against the United States. Several months after the ratification of the treaty of Ghent, he retained his posts and his party-coloured forces, in military array.

By the 9th article of that treaty, the United States had stipulated to put an end, immediately after its ratification, to hostilities with all the tribes or nations of Indians with whom they might be at war at the time of the ratification, and to restore to them all the possessions which they had enjoyed in the year 1811. This article had no application to the Creek nation, with whom the United States had already made peace, by a treaty concluded on the 9th day of August, 1814, more than four months before the treaty of Ghent was signed. Yet, Col. Nicholls not only affected to consider it as applying to the Seminoles of Florida, and the outlawed Red Sticks, whom he had induced to join him there, but actually persuaded them that they were entitled, by virtue of the treaty of Ghent, to all the lands which had belonged to the Creek nation, within the United States, in the year 1811, and that the government of Great Britain would support them in that pretension. He asserted also this doctrine in a correspondence with col. Hawkins, then the Agent of the United States with the Creeks, and gave him notice, in their name, with a mockery of solemnity, that they had concluded a treaty of alliance, offensive and defensive, and a treaty of navigation and commerce with Great Britain, of which more was to be heard after it should be ratified in England. Col. Nicholls then evacuated his fort, which, in some of the enclosed papers, is called the fort at Prospect Bluff, but which he had dominated the British post on the Apalachicola; took with him the white portion of his force, and embarked for England, with several of the wretched savages whom he was thus deluding to their fate—among whom was the Prophet Francis, or Hillis Hadjo—and left the fort, amply supplied with military stores and ammunition, to the negro department of his allies. It afterwards was known by the name of Negro Fort.—Col. Hawkins immediately communicated to this government the correspondence between him and Nicholls, here referred to, upon which Mr. Monroe, then Secretary of State, addressed a letter to Mr. Baker, the British Charge d'Affaires, at Washington, complaining of Nicholls's conduct, and shewing that his pretence that the 9th article of the treaty of Ghent, could have any application to his Indians, was utterly destitute of foundation. Copies of the same correspondence were transmitted to the minister of the United States, then in England, with instructions to remonstrate with the British government against these proceedings of Nicholls, and to shew how incompatible they were with the peace which had been concluded between the two nations. These remonstrances were accordingly made, first in personal interview with Earl Bathurst and Lord Castlereagh, and afterwards in written notes, addressed successively to them.—Lord Bathurst, in the most unequivocal manner, confirmed the facts and disavowed the misconduct of Nicholls; declared his disapprobation of the pretended treaty of alliance, offensive and defensive, which he had made; assured the American minister that the British government had refused to ratify that treaty, and would send back the Indians whom Nicholls had brought with him, with advice to make their peace on such terms as they could obtain. Lord Castlereagh confirmed the assurance that the treaty would not be ratified; and if, at the same time that these assurances were given, certain distinctions of public notoriety, were shewn to the Prophet Hillis Hadjo, and he was actually honored with a commission, as a British officer, it is to be presumed that these favors were granted him as rewards of past services, and not as encouragement to expect any support from Great Britain, in a continuance of savage hostilities against the United States, all intention of giving any such support having been repeatedly and earnestly disavowed.

The negro fort, however, abandoned by col. Nicholls, remained on the Spanish territory, occupied by the banditti to whom he had left it, and held by them as a post, from whence to commit depredations, outrages and murders, and as a receptacle for fugitive slaves and malefactors, to the great annoyance both of the United States and of Spanish Florida. In April, 1816, Gen. Jackson wrote a letter to the Governor of Pensacola, calling upon him to put down this common nuisance to the peaceable inhabitants of both countries. That letter, together with the answer of the government of Pensacola, have already been communicated to the Spanish minister here, and by him, doubtless, to his government. Copies of them, are, never-

theless, now again enclosed; particularly as the letter from the governor, explicitly admits—that this fort, constructed by Nicholls, in violation both of the territory and neutrality of Spain, was still no less obnoxious to his government than to the United States; but, that he had neither sufficient force, nor an authority, without orders from the Governor-General of the Havana, to destroy it. It was afterwards, on the 27th July, 1816, destroyed by a cannon shot from a gun vessel of the United States, which, in its passage up the river, was fired upon from it. It was blown up, with an English flag still flying as its standard, and immediately after the barbarous murder of a boat's crew, belonging to the navy of the United States, by the banditti left in by Nicholls.

In the year 1817, Alexander Arbuthnot, of the Island of New Providence, a British subject, first appeared, as an Indian trader in Spanish Florida; and as the successor of col. Nicholls, in the employment of instigating the Seminole and outlawed Red Stick Indians to hostilities against the United States, by reviving the pretence that they were entitled to all the lands which had been ceded to the Creek Nation by the United States, in August, 1814. As a mere Indian trader, the intrusion of this man, into a Spanish province, was contrary to the policy observed by all the European powers in this hemisphere, and by none more rigorously than by Spain, of excluding all foreigners from intercourse with the Indians, within their territories. It must be known to the Spanish government, whether Arbuthnot had a Spanish license for trading with the Indians in Spanish Florida or not; but they also knew that Spain was bound by treaty to restrain by force all hostilities on the part of those Indians, against the citizens of the United States, and it is for them to explain how, consistently with those engagements, Spain could, contrary to all the maxims of her ordinary policy, grant such a license to a foreign incendiary, whose principal, if not his only object, appears to have been, to stimulate those hostilities which Spain had expressly stipulated by force to restrain. In his infernal instigations, he was but too successful. No sooner did he make his appearance among the Indians, accompanied by the Prophet Hillis Hadjo, returned from his expedition to England, than the peaceful inhabitants on the borders of the United States, were visited with all the horrors of savage war; the robbery of their property, and the barbarous and indiscriminate murder of woman, infancy and age.

After the repeated expostulations, warnings and offers of peace, through the summer and autumn of 1817, on the part of the United States, had been answered only by renewed outrages, and after a detachment of forty men, under lieut. Scott, accompanied by seven women, had been waylaid and murdered by the Indians, orders were given to Gen. Jackson, and an adequate force was placed at his disposal, to terminate the war. It was ascertained that the Spanish force in Florida was inadequate for the protection even of the Spanish territory itself, against this mingled horde of lawless Indians and Negroes; and, although their devastations were committed within the limits of the United States, they immediately sought refuge within the Florida line, and there only were to be overtaken. The necessity of crossing the line was indispensable; for it was from beyond the line that the Indians made their murderous incursions within that of the United States. It was there that they had their abode, and the territory belonged in fact to them, although within the borders of the Spanish jurisdiction. There it was that the American commander met the principal resistance from them; there it was, that were found the still bleeding scalps of our citizens, freshly butchered by them; there it was, that he released the only woman, who had been suffered to survive the massacre of the party under lieutenant Scott. But it was not anticipated by this government that the commanding officers of Spain, in Florida, whose especial duty it was, in conformity to the solemn engagements contracted by their nation, to restrain, by force, those Indians from hostilities against the United States, would be found encouraging, aiding and abetting them, and furnishing them with supplies, for carrying on such hostilities. The officer in command, immediately before General Jackson, was, therefore, specially instructed to respect, as far as possible, the Spanish authority, wherever it was maintained, and copies of those orders were also furnished to Gen. Jackson, upon his taking the command. In the course of his pursuit, as he approached St. Marks, he was informed, direct from the governor of Pensacola, that a party of the hostile Indians had threatened to seize that fort, and that he apprehended the Spanish garrison there was not in strength sufficient to defend it against them. This information was confirmed from other sources, and by the evidence produced upon the trial of Ambrister, it proved to have been exactly true. By all the laws of neutrality and of war, as well as of prudence and of humanity, he was warranted in anticipating his enemy, by the amicable, and that being refused, by the forcible occupation of the fort.—There will need no citations on international law, to prove the correctness of this principle. It is engraven in adamant on the common-sense of mankind; no writer upon the laws of nations ever pretended to contradict it; none of any reputation or authority ever omitted to assert it.

At Fort St. Marks, Alexander Arbuthnot, the British Indian trader from beyond the seas, the firebrand, by whose torch this Negro Indian war against our

borders had been rekindled, was found an inmate of the commandant's family; and it was also found that, by the commandant himself, councils of war had been permitted to be held within it, by the savage chiefs and warriors; that the Spanish store-houses had been appropriated to their use; that it was an open market for cattle, known to have been robbed by them from citizens of the U. States, and which had been contracted for and purchased by the officers of the garrison; that information had been afforded from this fort by Arbuthnot, to the enemy, of the strength and movements of the American army; that the date of the departure of the express had been noted by the Spanish Commissary, and ammunition, munitions of war, and all necessary supplies furnished to the Indians.

The conduct of the Governor of Pensacola was not less marked by a disposition of enmity to the United States, and by an utter disregard to the obligations of the treaty, by which he was bound to restrain, by force, the Indians from hostilities against them. When called upon to vindicate the territorial rights and authority of Spain, by the destruction of the Negro fort, his predecessor had declared it to be not less annoying and pernicious to the Spanish subjects in Florida, than to the United States, but had pleaded his inability to subdue it. He, himself, had expressed his apprehensions that Fort St. Marks would be forcibly taken by the savages, from his Spanish garrison; yet, at the time, he had refused the passage up the Escambia river, unless upon the payment of excessive duties, to provisions destined as supplies for the American army, which, by the detention of them, was subjected to the most distressing privations. He had permitted free ingress and egress at Pensacola, to the avowed savage enemies of the United States. Supplies of ammunition, munitions of war, and provisions, had been received by them from thence. They had been received and sheltered there, from the pursuit of the American forces, and suffered again to rally thence, to enter upon the American territory and commit new murders. Finally, on the approach of General Jackson to Pensacola, the Governor sent him a letter, denouncing his entry upon the territory of Florida, as a violent outrage upon the rights of Spain, commanding him to depart and withdraw from the same, and threatening, in case of his non-compliance, to employ force to expel him.

It became, therefore, in the opinion of General Jackson, indispensably necessary to take from the Governor of Pensacola the means of carrying his threat into execution. Before the forces under his command, the savage enemies of his country had disappeared. But he knew that the moment those forces should be disbanded, if sheltered by Spanish fortresses, if furnished with ammunitions and supplies by Spanish officers, and if aided and supported by the instigation of Spanish encouragement, as he had every reason to expect they would be, they would re-appear, and fired, in addition to their ordinary ferociousness, with revenge for the chastisement they had so recently received, would again rush with the war hatchet and scalping knife, into the borders of the United States, and mark every foot-step with the blood of their defenceless citizens. So far as all the native resources of the savages extended, the war was at an end, and Gen. Jackson was about to restore to their families and their homes, the brave volunteers who had followed his standard, and who had constituted the principal part of his force. This could be done with safety, leaving the regular portion of his troops to garrison his line of forts, and two small detachments of volunteer cavalry, to scour the country round Pensacola, and sweep off the lurking remnant of savages, who had been scattered and dispersed before him. This was sufficient to keep in check the remnant of the banditti, against whom he had marched, so long as they should be destitute of other aid and support. It was, in his judgment, not sufficient, if they should be suffered to rally their numbers under the protection of Spanish forts, and to derive new strength from the impotence or the ill will against the United States of the Spanish authorities.

He took possession, therefore, of Pensacola and of the Fort of Barrancas, as he had done of St. Marks, not in a spirit of hostility to Spain, but as a necessary measure of self-defence; giving notice that they should be restored whenever Spain should place commanders and a force there, able and willing to fulfil the engagements of Spain towards the United States, of restraining, by force, the Florida Indians from hostilities against their citizens. The President of the United States, to give a signal manifestation of his confidence in the disposition of the King of Spain, to perform with good faith this indispensable engagement, and to demonstrate to the world that neither the desire of conquest nor hostility to Spain, had any influence in the counsels of the United States, has directed the unconditional restoration to any Spanish officer, duly authorized to receive them, of Pensacola and the Barrancas, and that of St. Marks to any Spanish force adequate for its defence against the attack of the savages. But the President will neither inflict punishment, nor pass a censure upon General Jackson for that conduct, the motives for which were founded in the purest patriotism, of the necessity for which he had the most immediate and effectual means of forming a judgment, and the vindication of which is written in every page of the law of nations, as well as in the first law of nature, self-defence. He thinks it, on the contrary, due to the justice, which the United States have a right to claim from Spain; and you are accord-

ingly instructed to demand of the Spanish government, that enquiry shall be instituted into the conduct of Don Jose Mazot, governor of Pensacola, and of Don Francisco C. Luengo, commandant of St. Marks; and a suitable punishment inflicted upon them for having, in defiance and violation of the engagements of Spain with the United States, aided and assisted these hordes of savages in those very hostilities against the United States, which it was their official duty to restrain. This enquiry is due to the character of those officers themselves, and to the honor of the Spanish government. The obligation of Spain to restrain, by force, the Indians of Florida from hostilities against the United States and their citizens, is explicit, is positive, is unqualified. The fact, that for a series of years they have received shelter, assistance, supplies and protection, in the practice of such hostilities, from the Spanish commanders in Florida, is clear and unequivocal. If, as the commanders both at Pensacola and St. Marks have alleged, this has been the result of their weakness, rather than of their will, if they have assisted the Indians against the United States to avert their hostilities from the province, which they had not sufficient force to defend against them, it may serve, in some measure, to exculpate, individually, those officers, but it must carry demonstration irresistible to the Spanish government, that the rights of the United States can as little compound with impotence as with perfidy, and that Spain must immediately make her election, either to place a force in Florida adequate at once to the protection of her territory and to the fulfilment of her engagements, or to cede to the United States a province, of which she retains nothing but the nominal possession; but which is, in fact, a derelict open to the occupancy of every enemy, civilized or savage, of the United States, and serving no other earthly purpose than as a post of annoyance to them.

That the purposes, as well of the Negro, Indian banditti, with whom we have been contending, as of the British invaders of Florida, who first assembled and employed them, and of the British intruding and pretending traders, since the peace, who have instigated and betrayed them to destruction, have been not less hostile to Spain than to the U. States, the proofs contained in the documents herewith enclosed, are conclusive. Mr. Pizarro's note of the 29th of August, speaks of His Catholic Majesty's profound indignation at the "sanguinary executions, on the Spanish soil, of the subjects of powers in amity with the King"—meaning Arbuthnot and Ambrister. Let Mr. Pizarro's successor take the trouble of reading the enclosed documents, and he will discover who Arbuthnot and Ambrister were, and what were their purposes: That Arbuthnot was only the successor of Nicholls, and Ambrister the agent of Woodbine and the subaltern of McGregor. Mr. Pizarro qualifies Gen. Jackson's necessary pursuit of a defeated savage enemy beyond the Spanish Florida line, as a shameful invasion of His Majesty's territory—yet, that territory was the territory also of the savage enemy, and Spain was bound to restrain them, by force, from hostilities against the United States—and it was the failure of Spain to fulfil this engagement, which had made it necessary for Gen. Jackson to pursue the savage across the line.

What then was the character of Nicholls's invasion of His Majesty's territory; and where was His Majesty's profound indignation at that? Mr. Pizarro says, His Majesty's forts and places have been violently seized on by General Jackson. Had they not been seized on, nay, had not the principal of his forts been blown up by Nicholls, and a British fort on the same Spanish territory been erected during the war, and left standing as a Negro fort, in defiance of Spanish authority, after the peace? Where was His Majesty's profound indignation at that? Has His Majesty suspended formally all negotiation with the sovereign of Colonel Nicholls, for the shameful invasion of his territory without color of provocation, without pretence of necessity, without the shadow or even avowal of a pretext? Has His Majesty given solemn warning to the British government, that these were incidents "of transcendent moment, capable of producing an essential and thorough change in the political relations of the two countries"? Nicholls and Woodbine, in their invitations and promises to the slaves to run away from their masters and join them, did not confine themselves to the slaves of the U. States—they received with as hearty a welcome, and employed with equal readiness, the fugitives from their masters, in Florida, as those from Georgia.—Against this special injury, the governor of Pensacola did earnestly remonstrate, with the British admiral, Cockburn; but against the shameful invasion of the territory—against the violent seizure of the forts and places—against the blowing up of the Barrancas, and the erection and maintenance, under British banners, of the Negro fort on Spanish soil—against the negotiation by a British officer in the midst of peace, of pretended treaties, offensive and defensive, and of navigation and commerce, upon Spanish territory, between Great Britain and Spanish Indians, whom Spain was bound to control and restrain—if a whisper of expostulation was ever waited from Madrid to London, it was not loud enough to be heard across the Atlantic, nor energetic enough to transpire beyond the walls of the palaces from which it issued, and to which it was borne.

The connection between Arbuthnot and Nicholls, and between Ambrister, Woodbine and McGregor, is established beyond all question, by the evidence produced at the trials before the court martial. I have already remarked to you on

the very extraordinary circumstance, that a British trader, from beyond the seas should be permitted, by the Spanish authorities, to trade with the Indians of Florida. From his letter to Hambly, dated 3d May, 1817, it appears that his trading was but a pretence; and that his principal purpose was to act as the agent of the Indians of Florida, and outlaws from the Creeks, to obtain the aid of the British government, in their hostilities against the United States. He expressly tells Hambly there, that the chief of those outlaws was the principal cause of his, Arbuthnot's, being in the country; and that he had come with an answer from Earl Bathurst, delivered to him by Governor Cameron, of New Providence, to certain Indian talks, in which the aid of the British government had been solicited. Hambly, himself, had been left by Nicholls, as the agent between the Indians and the British government; but having found that Nicholls had failed in his attempt to prevail upon the British government to pursue this clandestine war, in the midst of peace; and that they were not prepared to support his pretence, that half a dozen outlawed fugitives from the Creeks were the Creek nation;—when Arbuthnot, the incendiary, came, and was instigating them, by promises of support of Great Britain, to commence their murderous incursions into the United States, Hambly, at the request of the Creeks themselves, wrote to him, warning him to withdraw from among that band of outlaws, and giving him a solemn foreboding of the doom that awaited him, from the hand of justice, if he persevered in the course that he pursued. Arbuthnot, nevertheless, persisted; and while he was deluding the wretched Indians with the promise of support from England, he was writing letters for them to the British minister in the United States, to governor Cameron of New Providence, to colonel Nicholls; to be laid before the British government; and even to the Spanish governor of St. Augustine, and the governor General of the Havana, soliciting, in all quarters, aid and support, arms and ammunition, for the Indians, against the United States; bewailing the destruction of the Negro fort, and charging the British government with having drawn the Indians into war with the United States, and deserting them after the peace.

You will remark among the papers produced on his trial, a power of attorney, dated 17th June, 1817, given him by twelve Indians, partly of Florida, and partly of the fugitive outlaws from the U. States. He states that this power, and his instructions, were, to memorialize the British government, and the governor general of the Havana. These papers are not only substantially proved, as of his hand writing, on the trial, but in the daily newspapers of London, of the 24th and 25th of August last, his letter to Nicholls is published, (somewhat garbled,) with a copy of Hambly's above mentioned letter to him, and a reference to this Indian power of attorney to him, approved by the commandant of St. Marks, F. C. Luengo. Another of the papers is a letter, written in the name of the same chiefs, by Arbuthnot, to the governor general of Havana, asking of him permission for Arbuthnot to establish a warehouse on the Apalachicola; bitterly and falsely complaining that the Americans had made settlements on their lands, within the Spanish lines, and calling upon the governor general to give orders to displace them, and send them back to their own country. In this letter they assign, as a reason for asking this license for Arbuthnot, the want of a person to put in writing for them their talks, of grievances against the Americans. And they add, "the commander of the Fort of St. Marks has heard all of our talks and complaints. He approves of what we have done, and what we are doing; and it is by his recommendation we have thus presumed to address your excellency." You will find these papers in the printed newspaper enclosed, and in the proceedings of the court martial, and will point them out to the Spanish government, not only as decisive proofs of the unexampled compliances of the Spanish officers in Florida, to foreign intrusive agents and instigators of Indian hostilities against the United States, but as placing, beyond a doubt, that participation of this hostile spirit in the commandant of St. Marks, which Gen. Jackson so justly complains of; and of which we have so well founded a right to demand punishment. Here is the commandant of a Spanish fort, bound by the sacred engagement of a treaty, to restrain, by force, the Indians within his command from committing hostilities against the United States, conspiring with those same Indians, and deliberately giving his written approbation to their appointment of a foreigner, a British subject, as their agent, to solicit assistance and supplies from the governor general of Havana, and from the British government, for carrying on those same hostilities.

Let us come to the case of Ambrister—He was taken in arms; leading and commanding the Indians, in the war against the American troops; and to that charge, upon his trial, pleading guilty. But the primary object of his coming there, was still more hostile to Spain than to the United States. You find that he told three of the witnesses, who testified at his trial, that he had come to this country upon Mr. Woodbine's business at Tampa Bay—to see the negroes righted; and one of them, that he had a commission in the Patriot army, under Mr. Gregor; and that he had expected a captaincy. And what was the intended business of McGregor and Woodbine at Tampa Bay? It was the conquest of Florida from Spain, by the use of those very Indians and Negroes, whom the commandant of St. Marks was so ready

to aid and support in war against the U. States. The chain of proof that establishes these facts, is contained in the documents communicated by the President to Congress at their last session, relating to the occupation of Amelia Island by McGregor. From this document you will find, that while McGregor was there, Woodbine went from New Providence, in a schooner of his own, to join him; that he arrived at Amelia Island, just as McGregor, abandoning the companions of his achievement there, was leaving it: that McGregor, quitting the vessel in which he embarked at Amelia, went on board that of Woodbine, and returned with him to New Providence: that Woodbine had persuaded him they could yet accomplish the conquest of Florida, with soldiers to be recruited at Nassau, from the corps of Colonial Marines, which had served under Nicholls during the late war with the United States, which corps had been lately disbanded; and with the Negroes to be found at Tampa Bay, and 1500 Indians, already then engaged to Woodbine, who pretended that they had made a grant of all their lands there to him. Among the papers, the original of which is in our possession, in McGregor's hand writing, are instructions for sailing into Tampa Bay, with the assertion that he calculated to be there by the last of April or first of May, of the present year; a letter dated 27th December last, to one of his acquaintances in this country, disclosing the same intention; and the extract of a proclamation which was to have been issued at Tampa Bay, to the inhabitants of Florida, by the person charged with making the settlement there, before his arrival, announcing his approach, for the purpose of liberating them from the despotism of Spain, and of enabling them to form a government for themselves. He had persuaded those who would listen to him here, that his ultimate object was to sell the Floridas to the United States. There is some reason to suppose, that he had made indirect overtures, of a similar nature, to the British government. This was Ambrister's business in Florida. He arrived there in March, the precursor of McGregor and Woodbine, and immediately upon his arrival, he is found seizing upon Arbuthnot's goods, and distributing them among the Negroes and Indians; seizing upon his vessel, and compelling its master to pilot him, with a body of armed Negroes, towards the Fort of St. Marks, with the declared purpose of taking it by surprise, in the night; writing letters to Governor Cameron of New Providence, urgently calling for supplies of munitions of war, and of cannon, for the war against the Americans; and letters to Colonel Nicholls, renewing the same demands of supplies; informing him, that he is with 300 Negroes "a few of our bluff people," who had stuck to the cause, and were relying upon the faith of Nicholls's promises. Our bluff people were the people of the Negro fort, collected by Nicholls's and Woodbine's proclamations, during the American and English war; and the cause to which they stuck, was the savage, servile, exterminating war against the U. States.

Among the agents and actors of such virtuous enterprises as are here unveiled, it was hardly expected that there would be found remarkable evidences of their respect, confidence and good faith towards one another. Accordingly, besides the violent seizure and distribution, by Ambrister, of Arbuthnot's property, his letters to governor Cameron, and to Nicholls, are filled with the distrust and suspicions of the Indians, that they were deceived and betrayed by Arbuthnot; while in Arbuthnot's letters to the same Nicholls, he accuses Woodbine of having taken charge of poor Francis, the prophet, or Hilar Hildjo, upon his return from England to New Providence, and under pretence of taking care of him and his affairs—of having defrauded him of a large portion of the presents which had been delivered out from the king's stores to him, for Francis's use. This is one of the passages of Arbuthnot's letter to Nicholls, omitted in the publication of it last August, in the London newspapers.

Is this narrative of dark and complicated depravity; this creeping and insidious war, both against Spain and the U. States; this mockery of patriotism; these political plottings to fugitive-slaves and Indian outlaws; these perfidies and treacheries of villains incapable of keeping their faith even to each other, all in the name of South American liberty, of the rights of runaway Negroes, and the wrongs of savage murderers—all combined and projected to plunder Spain of her provinces, and to spread massacre and devastation along the borders of the United States; is all this sufficient to cool the sympathies of his Catholic Majesty's government, excited by the execution of these two "subjects of a power in amity with the king?" The Spanish government is not at this day to be informed that, cruel as war in its mildest forms must be, it is, and necessarily must be, doubly cruel, when waged with savages; that savages make no prisoners, but to torture them; that they give no quarter; that they put to death without discrimination of age or sex; that these ordinary characteristics of Indian warfare have been applicable, in their most heart-sickening horrors, to that war, left us by Nicholls, as his legacy, rekindled by Woodbine, Arbuthnot and Ambrister, and stimulated by the approbation, encouragement, and aid of the Spanish commandant at St. Marks.

Is proof required? Intreat the Spanish minister of state, for a moment, to overcome the feelings which details like these must excite, and to reflect, if possible, with composure, upon the facts stated in the following extracts from the documents enclosed:

Letter from sailing master Jarius Loomis, to Commodore Daniel T. Patterson, 13th August, 1816, reporting the destruction of the Negro Fort:

"On examining the prisoners, they stated, that Edward Daniels, O. S. who was made prisoner in the boat, on the 17th July, was 'tortured and burnt alive.'"

Letter from Archibald Clarke to Gen. Gaines, 26th Feb. 1817.

"On the 24th inst. the house of Mr. Garrett, 'residing in the upper part of this county, near the boundary of Wayne county, (Geo.)' was attacked, during his absence, near the middle of the day, by this party, (of Indians) consisting of about fifteen, who shot Mrs. Garrett, in two places, and then dispatched her by stabbing and scalping. Her two children, one about three years, and 'other two months old, were also murdered, and the eldest scalped; the house was then plundered of every article of value, and set on fire.'"

Letter from Peter B. Cook, (Arbuthnot's clerk) to Eliz. A. Carney, at Nassau, dated Suwannee, 19th Jan. 1818, giving an account of their operations with the Indians, against the Americans, and their massacre of lieut. Scott and his party.

"There was a boat that was taken by the Indians, that had in thirty men, seven women, and four small children. There was six of the men got clear, and one woman saved, and all the rest of them got killed. The children were took by the leg, and their brains dashed out against the boat."

If the bare recital of scenes like these cannot be perused without shuddering, what must be the agonized feelings of those whose wives and children are, from day to day, and from night to night, exposed to be the victims of the same barbarity? Has mercy a voice to plead for the perpetrators and instigators of deeds like these? Should enquiry hereafter be made, why, within three months after this event, the savage Hamathi Micco, upon being taken by the American troops, was, by order of their commander, immediately hung, let it be told that that savage was the commander of the party by which those women were butchered, and those helpless infants were thus dashed against the boat. Contending with such enemies, although humanity revolts at entire retaliation upon them, and spares the lives of their feeble and defenceless women and children, yet mercy herself surrenders to retributive justice the lives of their leading warriors taken in arms—and still more the lives of the foreign, white incendiaries, who, disowned by their own governments, and disowning their own nature, degrade themselves beneath the savage character, by voluntarily descending to its level. Is not this the dictate of common sense? Is it not consonant to the soundest authorities of national law. "When at war (says Vattel) with a ferocious nation, which observes no rules, and grants no quarter, they may be chastised in the persons of those of them who may be taken; they are of the number of the guilty; and by this rigor the attempt may be made of bringing them to a sense of the laws of humanity." And again: "As a general has the right of sacrificing the lives of his enemies to his own safety or that of his people, if he has to contend with an inhuman enemy, often guilty of such excesses, he may take the lives of some of his prisoners, and treat them as his own people have been treated." The justification of these principles is found in their salutary efficacy, for terror and for example. It is thus only that the barbarities of Indians can be successfully encountered. It is thus only that the worse than Indian barbarities of European impostors, pretending authority from their governments, but always disavowed, can be punished and arrested. Great Britain yet engages the alliance and co-operation of savages in war. But her government has invariably disclaimed all countenance or authorization to her subjects to instigate them against us in time of peace. Yet so it has happened, that from the period of our established independence to this day, all the Indian wars with which we have been afflicted have been distinctly traceable to the instigation of English traders or agents, always disavowed, yet always felt, more than once detected, but never before punished. Two of them, offenders of the deepest dye, after solemn warning to their government, and individually to one of them, have fallen, *flagrante delicto*, into the hands of an American general: and the punishment inflicted upon them has fixed them on high as an example, awful in its exhibition, but, we trust, auspicious in its results, of that which awaits unauthorized pretenders of European agency, to stimulate, and interpose in wars between the U. States and the Indians, within their control.

This exposition of the origin, the causes, and the character of the war with the Seminole Indians and part of the Creeks, combined with McGregor's mock patriots and Nicholls's negroes, which necessarily led our troops into Florida, and gave rise to all those incidents of which Mr. Pizarro so vehemently complains, will, it is hoped, enable you to present other and sounder views of the subject to his Catholic Majesty's government. It will enable you to show that the occupation of Pensacola and St. Marks was occasioned neither by a spirit of hostility to Spain, nor with a view to extort, prematurely, the province from her possession; that it was rendered necessary by the neglect of Spain to perform her engagements of restraining the Indians from hostilities against the United States, and by the culpable countenance, encouragement, and assistance given to those Indians, in their hostilities, by the Spanish governor and commandant at those places: that the United States have a right to demand, as the President does demand, of Spain the punishment of those officers for this misconduct; and, further demands of Spain a just and reasonable indemnity to the United States for the heavy and necessary expenses which

they have been compelled to incur, by the failure of Spain to perform her engagement, to restrain the Indians, aggravated by this demonstrated complicity of her commanding officers with them, in their hostilities against the United States; that the two Englishmen executed by order of Gen. Jackson, were identified with the savages, with whom they were carrying on the war against the United States, but that one of them was the mover and fomenter of the war, which, without his interference and false promises to the Indians, of support from the British government, never would have happened—that the other was the instrument of war against Spain as well as the United States, commissioned by McGregor, and expedited by Woodbine, upon their project of conquering Florida with these Indians and negroes; that, as accomplices of the savages, and, sinning against their better knowledge, worse than savages, Gen. Jackson, possessed of their persons and of the proofs of their guilt, might, by the lawful and ordinary usages of war, have hung them both without the formality of a trial—that, to allow them every possible opportunity of refuting the proofs, or of shewing any circumstance in extenuation of their crimes, he gave them the benefit of a trial by a court martial, of highly respectable officers: that the defence of one consisted, solely and exclusively, of technical cavils at the nature of part of the evidence against him, and the other confessed his guilt: Finally, that, in restoring Pensacola and St. Marks to Spain, the President gives the most signal proof of his confidence, that hereafter her engagement to restrain, by force, the Indians of Florida from all hostilities against the United States, will be effectually fulfilled; that there will be no more murders, no more robberies within our borders, by savages prowling along the Spanish line, and seeking shelter within it, to display in their villages the scalps of our women and children, their victims, and to sell, with shameless effrontery, the plunder from our citizens in Spanish forts and cities; that we shall hear no more apologies from Spanish governors and commandants, of their inability to perform the duties of their office and the solemn contracts of their country—no more excuses for compliances to the savage enemies of the United States from the dread of their attacks upon themselves—no more harboring of foreign impostors, upon compulsion; that a strength sufficient will be kept in the province to restrain the Indians by force, and officers empowered and instructed to employ it effectually to maintain the good faith of the nation, by the effective fulfilment of the treaty.

The duty of the government to protect the persons and property of our fellow-citizens on the borders of the United States, imperative—it must be discharged—and if, after all the warnings that Spain has had—if, after the prostration of all her territorial rights and neutral obligations, by Nicholls and his banditti, during the war, and of all her treaty stipulations, by Arbuthnot and Ambrister, abetted by her own commanding officers, during peace, to the cruel annoyance of the United States—if the necessities of self-defence should again compel the United States to take possession of the Spanish forts and places in Florida, declare, with the candor and frankness that become us, that another unconditional restoration of them must not be expected; that even the President's confidence in the good faith and ultimate justice of the Spanish government will yield to the painful experience of continual disappointment; and that, after unwearied and almost unnumbered appeals to them, for the performance of their stipulated duties, in vain, the United States will be reluctantly compelled to rely, for the protection of their borders, upon themselves alone.

You are authorized to communicate the whole of this letter and the accompanying documents to the Spanish government. I have the honor, &c. &c. JOHN QUINCY ADAMS.

Mr. Mercer has substituted for a part of his resolutions against all banks, a resolution for amending the constitution of the United States, so as to prohibit any state hereafter from establishing any bank, and restricting congress to the establishment of a bank or branches in such states as may, by vote of two-thirds of their legislature, pass a law allowing it; the bank to be subject to such conditions and restrictions as may be imposed by the state law. We should suppose that the constitution is good enough without this amendment.

Mr. Mercer has offered a resolution in congress, instructing the military committee to report a bill to reduce to one the number of major generals in the army. The object of the motion is understood to be, to effect the dismissal of the veteran Jackson from the service. We hope that congress will not attempt to disgrace the general in this indirect way. If he has committed any act deserving such punishment, let an inquiry be instituted in the house into the facts, and let them openly request the executive to dismiss him. This will be a more manly course; but the practice of legislating men out of office is not a very commendable one, if the object can possibly be accomplished in a more constitutional mode. We think, however, that General Jackson has done nothing to merit this treatment. If his presence at Washington, where he has gone, will change unfavourable impressions.

Those whose sensibilities have been so much affected by the punishment inflicted on Indians, English incendiaries, and Spanish commandants, for their cruelties, and their instigation and aid of the murderous warfare, carried on against the defenceless frontiers, women and children of America, are invited to the particular notice of all the military letters of Secretary ADAMS, published in this paper. Perhaps they will find in it something to abate their indignation against Gen. Jackson; something of law as well as of fact to justify his execution of Indian prophets and foreign emissaries; something to excite their sensibilities and sympathies for their own fellow citizens, suffering under the tomahawk and scalping knife, or their brains dashed out without ceremony or compunction.

EXTRACT TO THE EDITOR, DATED Washington City, Jan. 11.

"Congress begins to enter, with some spirit, into the discussion of topics of more general interest, than what have occupied their attention before. One subject, on which the house will be considerably divided, is that of the employment of soldiers by executive authority, in making roads, and allowing them extra pay, under the name of extra rations for fatigue, without any special provision by law. It has been customary to allow extra rations to soldiers on fatigue, and the correctness of the principle is admitted; but the question is, whether the President is justifiable in employing them to labor on roads, for military purposes, and to call such labor fatigue service. The subject, I do not conceive to be one of very great magnitude, the whole expense not exceeding eight or ten thousand dollars, and the object having no tendency to enslave, but to benefit the community. But if there is an unconstitutional stretch of power exercised by the President in this case, it is doubtless correct to give it a check. It is believed, that a majority of the house will concur in the opinion, that these roads, being necessary, or at least affording facilities to military operations, are proper objects of employment for the soldiers of the army; and so far as extra rations are lawful for fatigue service, the additional allowance will be approved. I should have rejoiced in the event, had the President given as liberal a construction to the legislative powers of the general government, delegated by the constitution, and had he, because internal improvement, roads and canals would have facilitated the transportation of the mail, and the commercial relations of the states with each other, encouraged such improvements, as incident to the power of establishing post offices and post roads, and of regulating commerce. This, in my opinion, would have been more consistent, and more beneficial to the community, without danger of injury or oppression to the citizens."

"Another subject of difference will be, the conduct of Gen. Jackson and the administration, in relation to the Seminole war, and the execution of Arbuthnot and Ambrister. It is perfectly clear to my mind, that neither the administration, nor Gen. Jackson, have gone beyond the bounds of propriety, nor violated the laws of nations, in the occupancy of the Spanish forts of St. Marks, in East Florida, and Pensacola in West Florida; nor yet in the execution of those foreign emissaries, who had made themselves savages, by joining in their cruelties. If Gen. Jackson has done wrong, it was in calling a court martial, and not executing summary punishment upon them; and if the executive has erred in that business, it is in relinquishing those posts to the Spanish authority. What will be the sentiment of congress upon this subject, is yet unknown; but it is certain they will be divided. The committee to whom it is referred, have not yet reported, but it is expected they will do so, either this day or tomorrow. The report is anticipated with great interest. Several members

have already committed themselves upon the subject, and there is no doubt that a very interesting debate will arise, when it comes before the house. Some members who have been accustomed to agree in almost every period, will probably divide upon this; but it is hoped the debate will be carried on in a way, that will not involve personal feeling. There is, evidently, a party unfriendly to Gen. Jackson; perhaps, because he treated their friends so rudely four years since, in the neighborhood of New Orleans; and a proposition will be discussed in Congress, to have but one Major General in the service, with the view of putting him down. I trust, however, such black ingratitude will never receive the sanction of the nation."

## KENTUCKY GAZETTE.

LEXINGTON, FRIDAY, JANUARY 22.

A bill is now before the state legislature, providing that real property or slaves shall not be sold in payment of debts for less than three-fourths of their value, to be fixed upon by three commissioners; and that if such property will not bring that price, the sheriff shall sell it for what it will bring on a credit of 12 months, provided the creditor endorse on the execution that he will take United States or state bank notes; and if he fail so to endorse, the debtor shall have the right to replevy for 12 months more. As this bill expressly violates that clause of the federal constitution, which forbids any state to pass a law impairing the obligation of contracts, we hope that the judiciary will put it down. We moreover hope, that the sovereign people of Kentucky will permit the members of the legislature, who vote for any such outrageous bill, to retire to the obscurity of private life. How long is this patriotic and enlightened state to be disgraced by the questionable quack-legislators? How long is her statute book to be stained by laws violating the public faith, and sapping all confidence between man and man? Let the next elections answer these questions.

We have received a copy of the bill before our legislature, separating Lexington from the rest of Fayette, restricting the citizens of the town to giving their votes for one representative only, and the citizens of the county to voting for two only. Both have heretofore had the right to vote for three representatives, and the bill will have the effect of partially disfranchising the citizens of town and county, contrary to the wishes of three-fourths of them. The bill creates three precincts in the county—the places of voting in which are Bryan's Station, Town Fork, and Walnut Hill meeting houses. We trust that the legislature will at last postpone the passage of the bill, until the real sense of the county can be ascertained and communicated to them on the subject.

Mr. Benson has substituted for a part of his resolutions against all banks, a resolution for amending the constitution of the United States, so as to prohibit any state hereafter from establishing any bank, and restricting congress to the establishment of a bank or branches in such states as may, by vote of two-thirds of their legislature, pass a law allowing it; the bank to be subject to such conditions and restrictions as may be imposed by the state law. We should suppose that the constitution is good enough without this amendment.

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## GAZETTE SUMMARY.

The legislature of South Carolina have appropriated and pledged one million of dollars for internal improvements in that state; one fourth of the sum is to be annually applied to that purpose. A proposition to inflict capital punishment for the murder of a negro, has also been made in that body, and will, it is hoped, pass, it being a degrading fact, that heretofore while the stealing of a horse in that state has been punished with hanging, the murder of a black has been treated as an inferior crime.

The legislature of Indiana has prohibited the location in that state of a branch bank of the United States.

The royalists have evacuated Chili, and the army of San Martin was pushing for Lima at the last advices.

JOHN ROWAN, esq. has been appointed a judge of the Kentucky court of appeals, in place of Judge Logan, elected to the senate. Mr. Oldham has been appointed judge of the circuit court of Jefferson and other counties, in place of Mr. Metcalf, resigned. Samuel South has been re-elected state treasurer; Kendall and Russell, state printers; Robt. Alexander president of the state bank, and George M. Bibb, Peter Dudley, Willis A. Lee, O. G. Waggoner, Robt. S. Todd, Richd. Taylor Jr. John Brown, D. Weisiger, A. J. Mitchell, John Pope, N. Hart and B. Taylor directors of that institution, the former six by the legislature, the latter by the stockholders. Gen. Hardin, in the absence of Mr. Speaker Breckinridge from sickness, was last week elected speaker *pro tempore* by the house. A report favourable to the rechartering of the Bank of Kentucky, has been made in the senate, and a bill for that purpose has been reported in the house. The bill to tax the branch banks of the United States 60,000 dollars, has passed the house, 64 to 23 votes, and will without doubt pass the senate. The nomination of Urban Ewing as sheriff of Logan, has been rejected by the senate. Mr. F. Johnson has reported a bill in senate to incorporate the Southern College of Kentucky, to be located at Bowling Green. The Danville College bill is before the senate, who have stricken out the clause relative to the establishment of theological schools in connection with the college. In this form it is expected to pass both houses.

The house have passed resolutions for the erection of a tomb stone over the remains of the late Gen. GEORGE ROGERS CLARKE, and one over the remains of the late Governor CHARLES SCOTT. They richly merited these honors from Kentucky, for their great military services and achievements. A bill to authorize the certificates of stock in the Bank of Kentucky to pass by delivery as a circulating medium, is before the house, reported by Mr. Underwood; the project may be a good one, but we believe it is a novelty.

The steam boat Vesuvius has arrived at Shippingport, with a cargo of dry goods and groceries. JOHN GRAHAM, late Commissioner to South America, is appointed by the president of the United States, with the advice and consent of the senate, to be Minister Plenipotentiary from the U. States to Rio Janeiro, vice Mr. Sumpter, who desires permission to return.

Mr. JOHN HARRIS, Consul of the U. States at St. Petersburg, has arrived at Washington city, bringing despatches from our Minister, Mr. CAMPBELL. The United States' Bank declared a dividend of two and a half per cent. for the six months ending on the 1st inst. This is a small dividend; but the peculiar difficulties and embarrassments of the country, which cramped the operations of the bank, and the great expense necessarily incurred in the purchase of specie, having now in a measure ceased, we have no doubt the bank will hereafter generally divide eight per cent. per annum.

The following are the directors of the United States' Bank, elected by the stockholders on the 1st inst. in Philadelphia:—William Jones, James C. Fisher, John Sergeant, John Bolton of Savannah, Joshua Lippincott, John Coulter, John Lisle, John Connell, Daniel Lamont, Gustavus Colthoun, Charles Chauncey, Joseph Dugan, James Scott, Henry Toiland, Langdon Cheves of S. C. John Potter of do. John Oliver of Balt. George Williams, do. George Hoffman do. Archibald Gracie of N. Y. The 13 last mentioned are new directors. WILLIAM JONES was unanimously re-elected President of the bank. The president of the United States nominated to the senate, in due time, William Jones, John Connolly, George Williams, John Steele, and Mr. Bowne, as directors on the part of the government; but the senate deferred confirming the nomination until the bank committee of the house should make their report. This report has been finished, but was not yet read in the house, at our latest date, Jan. 11, from Washington.

FROM THE DELAWARE WATCHMAN.

COLONEL R. M. JOHNSON, Though not a declared candidate, was run by some of his friends for United States Senator from Kentucky, at the late election in that state. He had 55

votes, and another candidate, William Logan, 67—the latter is consequently elected. It is said that Col. Johnson's friends propose him as a candidate for governor, at the ensuing election. We should be sorry to see such talents and patriotism confined to the concerns of a single state. Over and above this gentleman's acknowledged talents, we believe that for soundness of principle, elevation of sentiment, invincible integrity and persevering industry, no man living is superior to Col. Johnson.

## Sales By Shreve & Combs.

On Wednesday next at the Auction Rooms of Shreve & Combs at 10 o'clock, will be sold a valuable assortment of Dry Goods, consisting of:

Broad Cloths and Coatings of various colors. Scarlet, Blue and Buff coloured Cassimere Shawls. Black Florentine Vesting and Blue Bombazetts. Damask Table Cloths and Diaper Toweling. Cambric Muslins and Dimity. Bandanna Hdkfs. and Cotton Shawls. Printed Calicoes and Patent Thread. Beaver Gloves, Cotton and Worsted Hose. Ladies Fox and Sable Tippets. London Pins and Ribbons assorted. Venetian Carpeting and Oil Cloth. Brass Stair Rods with eyes.

Also a variety of Hardware, Watches, &c. &c. &c. Terms liberal, made known on the day of sale.

SHREVE & COMBS, Auctioneers & Com. Merchants.

Lex. Jan. 22, 1819.—14

Keiser & Coghlan.

At the Sign of the Ledger, Main Street, HAVE FOR SALE,

HOUSE CARPENTERS' BOOK OF PRICES, AND RULES FOR MEASURING AND VALUING ALL THEIR DIFFERENT KINDS OF WORK.

Lexington, Jan. 22—3t.

Rich Mantle Clocks.

HENRY FLETCHER, corner of Main street and Jordan's Row, has just received an assortment of MANTLE CLOCKS, which in point of elegance are superior to any thing of the kind ever imported into this country, they run two weeks without winding, and are warranted correct time keepers.

Lexington, Jan. 22, 1819.—3t.

TOBACCO WANTED.

JUST received from NEW YORK, a well assorted invoice of Merchandise, consisting chiefly of

SPRING & SUMMER GOODS

to the amount of \$8,000, lately purchased there on the best terms; the whole or any part of them will be exchanged for crop tobacco of a good quality at the market prices. Apply to G. WOODWARD, Main Street.

Lexington, Jan. 22, 1819.—3t.

ELECTION.

THE Shareholders in the 'Fayette Paper Manufacturing Company are hereby notified that an Election will be held at their Paper Mill on the 2d Monday in February next for a President and two Directors for the ensuing year, ending on the 2d Monday in February 1820.

WM. S. DALLAM, Clk.

Lexington, Jan. 22, 1819.—3t.

At a meeting of the Trustees of the Town of Lexington on the 14th day of January 1819, the following ordinances passed the first reading, To wit:

BE IT ORDAINED by the BOARD OF TRUSTEES of the Town of Lexington, that any person (except in cases of fire) who shall remove or cause to be removed any one of the public Ladders or Firehooks from the market houses on Water street or either of them, shall forfeit and pay ten dollars to be recovered and appropriated agreeably to the acts of Assembly and ordinances now in force, and be it further ordained, that the laws now in force respecting the opening the markets by clerks thereof at a certain hour be and are hereby repealed and that purchases and sales be permitted at any time in the market house.

A Copy. Attest. H. B. SMITH, Clk.

Lexington, Jan. 22, 1819.—3t.

Brick Moulding.

ANY person wishing to contract for the moulding and burning of Brick may hear of employment for an entire season. The place the job is to be undertaken is in the new Town of Albion, in the Illinois Territory. ALSO, Any person willing to contract for Building in that town, proposals will be received by

MR. RICHD. FLOWER.—Inquire of the printer.

Lexington, Jan. 22, 1819.—3t.

TAKEN UP

BY SAMUEL H. CRAIG, Jessamine County by Barkley's Mill Road, a Sorrel Horse, blazed face, his near hind foot white, about 15 hands one inch high, eight years old, branded on the near shoulder with S. S. appraised to 50 dollars before me

RICHARD LAFON.

January 22, 1819.—3t.

FOR SALE.

AN elegant small FARM, containing 150 acres of first rate Land, lying in Woodford county, Ky. six miles south of Versailles, and adjoining Mortonsville—There is several fine springs on this place; about 120 acres under first rate fence, seventeen or eighteen hundred yards of said fence is stone, the balance in good repair. About ninety acres is now in cultivation, and about thirty in Pastures of the first quality, a comfortable hued Log dwelling House, an elegant stone Kitchen, stone Spring House, and other convenient buildings. There are several Water Mills convenient; the Kentucky river 33 miles distant, and several other conveniences too tedious to mention. The title is indisputable, and the payments will be made easy to the purchaser. For further particulars enquire of the subscriber, living on the premises.

S. D. NOR. D. HANES.

January 22, 1819.—3t.

Wood for Sale.

WE would sell about three hundred cords of excellent seasoned WOOD, and deliver it, if required, any where in town. We have also on hand, 2 or 3000 bushels of BURNING, SHORTS, and SHIP STUFF, which will be sold very low.

JOHN & TEO. P. HART.

January 8, 1819.—4

## New & Cheap Goods,

OPPOSITE THE OLD MARKET HOUSE.

THE subscribers have just opened an elegant and complete assortment of

## MERCHANDIZE,

which they will sell at their usual reduced prices, for cash. A few of the articles of which the stock consists, are

Super blue, black and fancy coloured broad cloths

Do do do do do do pelisse do Spotted satinetts, cashmeres; fl

